

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:14-CR-39-1BR(4)

UNITED STATES OF AMERICA)

v.)

JOHN TOBIAS SWEENEY)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Attempt to entice a child to engage in illegal sexual conduct)

During a period of time beginning on or about March, 2013, and continuing until on or about September 23, 2013, JOHN TOBIAS SWEENEY, the defendant herein, using a facility and means of interstate commerce, specifically, an internet-connected computer, did knowingly attempt to persuade, induce, and entice an individual under the age of eighteen (18), to engage in sexual activity for which any person can be charged with a criminal offense, specifically, first degree sexual offense, in violation of NCGS §14-27.4, all in violation of Title 18, United States Code, Section 2422(b).

COUNT TWO

(Manufacture of Child Pornography)

On or about March 11, 2013, in the Eastern District of North Carolina, the defendant, JOHN TOBIAS SWEENEY, attempted to and did employ, use, persuade, induce, entice, and coerce a

minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, and that these visual depictions were produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce in violation of Title 18, United States Code Sections 2251(a) and (d).

COUNT THREE

(Possession of Child Pornography)

On or about December 19, 2013, in the Eastern District of North Carolina, JOHN TOBIAS SWEENEY, the defendant herein, did knowingly possess one or more matters, that is, computer hard drives and computer media containing digital and computer images, the production of which involved the use of a minor engaging in sexually explicit conduct, and which images visually depicted such conduct; the images had been mailed, shipped and transported in interstate and foreign commerce, and were produced using materials which had been mailed, shipped, or transported in interstate and foreign commerce, by any means including by computer; all in violation of Title 18, United States Code, Section 2252(a)(4)(B).

FORFEITURE ALLEGATION

If convicted of one or more of the offenses set forth in Counts 2 and 3 above, JOHN TOBIAS SWEENEY, the defendant herein, shall forfeit to the United States —

(1) any visual depiction or book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of the offense(s);

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense(s); and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense(s)

— all pursuant to Title 18, United States Code, Section 2253(a).

If any of the above-described forfeitable property, as a result of any act or omission of the defendant --

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to Title 18, United States Code, Section 2253(o), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

A TRUE BILL

REDACTED VERSION

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

For person

Date: 5/20/2014

THOMAS G. WALKER
United States Attorney



BY: ETHAN A. ONTJES
Assistant United States Attorney
Criminal Division